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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,018	09/02/2003	Allen Sykes	ITW7510.068	2017
33647	7590	08/22/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/605,018	SYKES ET AL.
	Examiner Clifford C. Shaw	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 May 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**Detailed Action**

- 1.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 2.) Claims 1, 3-6, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manz (3,544,759) taken with the SCR Manual excerpt. The patent to Manz (3,544,759) discloses a welding power source that includes features claimed, including: an output mode selector labeled “operators switch control”; and a selector circuit associated with elements 2, 4, 6, and 8 to energize a pair of output terminals at elements 24 and 44 with different volt-amp characteristics. Note that the output mode selector enables a user to identify different welding processes labeled “A” or “B”, these processes differing at least due to their different voltage settings. The claims differ from Manz (3,544,759) in calling for: the selector circuit to “electronically energize” the output terminals and more specifically the use of SCRs for this function (the selector circuit in Manz (3,544,759) energizes the outputs through the agency of electro-mechanical relays); the use of AC power of any number of phases; and the provision for a “kit” in claims 23-24. These differences do not patentably distinguish over the prior art. At the time applicant’s invention was made, it would have been obvious to have used any well known switching technology in Manz (3,544,759) in lieu of the relays explicitly shown. In particular, it would have been obvious to have used an SCR based switching approach, the motivation being the teachings of the SCR Manual excerpt that it is advantageous to use SCR based switching circuits instead of electro-mechanical switches (see the “introduction” on page 143 of the SCR Manual excerpt), thereby satisfying the claim language calling for electronically energizing an

output terminal or using SCRs for this purpose. In regard to the claimed multiple phases, it would have been obvious to have used any well known source of A.C. in Manz (3,544,759), including poly-phase A.C., based on routine design considerations such as availability of a particular source, ripple constraints, etc. In regard to the “kit” limitations in claims 23-25, it is considered obvious that the particular circuit modules of the combination would be in discreet units before their construction into an operational power supply, simply because this is the way technological artifacts are made – large systems are built from smaller parts. This existence of the parts in a discreet mode would constitute a “kit”, thereby satisfying the claim limitations.

3.) Claims 2 and 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manz (3,544,759) taken with the SCR Manual excerpt as applied to claims 1, 3-6, and 23-25 above, and further in view of Yasuhara et al. (6,037,566). The only aspects of the claims to which the rejection above does not apply are: the provisions for constant current and constant voltage outputs as in claim 3; the provision for a common negative terminal as in claim 7; and the limitations directed to filters and inductors as for example in claim 8. These differences do not patentably distinguish over the prior art. At the time applicant’s invention was made, it would have been obvious to have adjusted to output modes in Manz (3,544,759) for constant current and constant voltage, the motivation being the teachings of Yasuhara et al. (6,037,566) that it is advantageous for a multiple output power supply to provide these modes (see the abstract of Yasuhara et al. (6,037,566)). In regard to the common negative terminal and the various limitations directed to filters and inductors, it would have been obvious to have provided the system of Manz (3,544,759) with these features in view of the teachings of Yasuhara et al.

(6,037,566) that such are advantageous in a multi-mode power supply (see the common negative terminal 10 in figure 1, see the inductors/filters at elements 3, 4, 7 in figure 1 and at elements 13 and 14 in figure 2 of Yasuhara et al. (6,037,566))

4.) The patent to Manz (3,130,295) is cited to show a prior art power supply with multiple output modes. This patent was incorporated by reference into the Manz (3,544,759) patent applied above.

5.) Applicant's arguments filed 5/10/2005 have been fully considered but they are not persuasive. Applicant's claim limitations directed to different welding processes are not deemed to patentably distinguish over the arrangement of Manz (3,544,759). The "A" and "B" outputs of Manz are different processes, at least because they can assume different voltage settings or characteristics.

6.) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

August 5, 2005